

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANKLIN MCKENZIE,

Plaintiff,

-v-

CITY OF NEW YORK, et al.,

Defendants.

17 Civ. 4899 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On September 20, 2019, the parties filed a joint letter indicating that they were unable to resolve a dispute as to whether the following items were properly requested by plaintiff as part of *Monell* discovery: Interrogatories 5, 6, and 9 and Document Requests 4, 8, 11, 12, 16(d)–(e), 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, and 32. Dkt. 93.

In its July 16, 2018, Order—issued during fact discovery—the Court explicitly instructed the parties to undertake “discovery concerning the individual defendants, even if such discovery, in defendants’ view, bears only on issues relating to municipal liability.” Dkt. 28. The majority of the requests now at issue concern the individual defendants in this case, Officers Twum and Catanzarita. The time to pursue additional discovery regarding these defendants has passed. The Court accordingly denies the requests for such discovery.

However, the Court finds that several of the disputed discovery requests properly seek information regarding municipal policies, practices, or customs. The Court will therefore permit *Monell* discovery to proceed on the following disputed requests: Interrogatories 6 and 9, and

Document Requests 11, 23, 24, and 31.¹ The Court finds these requests appropriate and properly tailored.

All remaining *Monell* discovery should be completed by November 1, 2019. The Case Management Conference currently scheduled for October 23, 2019, is rescheduled to November 20, 2019, at 2:30 p.m.

SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge

Dated: October 2, 2019
New York, New York

¹ Defendants state that Document Requests 24 and 31, as well as others not relevant here, are duplicative of document requests served during fact discovery on April 2, 2018. Dkt. 93, pg. 4. However, they have not substantiated that claim, for example, by attaching the earlier requests. The Court accordingly does not credit this argument.